

City Council of Peachtree City
Agenda
November 8, 2012
7:00 p.m.

- I. **Call to Order**
- II. **Pledge of Allegiance**
- III. **Announcements, Awards, Special Recognition**
 - Recognize Jay Hughes for 15 Years of Service**
 - Recognize Clint Murphy for 15 Years of Service**
 - Recognize Chris Hyatt for Lifesaving Award**
 - Recognized Advanced Citizens Police Academy Graduates**
- IV. **Public Comment**
- V. **Agenda Changes**
- VI. **Minutes**
 - October 18, 2012, Regular Meeting Minutes**
 - October 25, 2012, Special Called Meeting Minutes**
- VII. **Consent Agenda**
 - 1. Consider Alcohol License – NEW – Due South Southern Cuisine, 302 Clover Reach**
 - 2. Consider Appointment of Municipal Court Judge – Stephen Ott**
 - 3. Consider Appointment of Judge Pro Hac & Solicitor Pro Hac – James Dalton & Robert Stokely**
 - 4. Consider Purchase of Portable Radios for Fire Department**
 - 5. Consider Budget Adjustments**
- VIII. **Old Agenda Items**
 - 10-12-09 Public Hearing – Consider Amendments to Article IX, Section 908, of the Ordinance to Establish Regulations for Mobile Food Trucks**
Ordinance would establish guidelines to permit mobile food trucks within the City limits
- IX. **New Agenda Items**
 - 11-12-01 Public Hearing – Multi-family Moratorium**
Request to extend moratorium on multi-family rezoning requests; Council approval required before an applicant can submit a rezoning request
 - 11-12-02 Consider Amendment to Alcohol Ordinance – Growler Sampling Permits**
Proposed amendment under final review, will be forwarded next week
 - 11-12-03 Consider Initiating Text Amendment to Permitted Uses within Zoning Ordinance**
Applicant desires to amend text to permit hair salons within LI Light Industrial zoning district
 - 11-12-04 Consider RFP for Probation Services – Professional Probation Services**
Recommendation for probation services for Municipal Court
 - 11-12-05 Consider Mechanical Systems Maintenance Agreement – Shumate Mechanical**
Recommendation for HVAC maintenance contract
 - 11-12-06 Consider Reclassification of Position at Amphitheater**
Recommendation to eliminate part-time Box Office Supervisor and Sales & Marketing positions and replace with a Sales & Marketing Assistant/Box Officer Coordinator position
- X. **Council/Staff Topics**
 - Hot Topics Update**
- XI. **Executive Session**

This agenda is subject to change at any time up to 24-hours prior to the scheduled meeting

City Council of Peachtree City
Meeting Minutes
October 18, 2012
7:00 p.m.

The Mayor and City Council of the City of Peachtree City met in regular session on Thursday, October 18 2012. Mayor Haddix called the meeting to order at 7:00 p.m. Other Council Members in attendance: George Dienhart, Vanessa Fleisch, Eric Imker, and Kim Learnard.

Announcements, Awards, Special Recognition

Fayette County Retired Educators Day Proclamation

Recognize Employee of the Month – Chris Hyatt

Recognize Supervisor of the Quarter – Chris Campbell

Recognize Mike Howell for 10 Years of Service

Presentation on Fayette College & Career Academy

Mayor Haddix announced the Commemorative Air Force would hold a Veterans Day Open House on November 3 at the Dixie Wing hangar at Atlanta Regional Airport – Falcon Field. Haddix proclaimed November 4 as Fayette County Retired Educators Day in Peachtree City. Karen Bullock, retired principle from Kedron Elementary School, accepted the proclamation. Chris Hyatt of the Police Department was unable to attend the meeting to accept the Employee of the Month recognition. Chris Campbell of the Fire Department was recognized as the Supervisor of the Quarter. Mike Howell of the Police Department was recognized for 10 years of service. City Manager Jim Pennington was recognized as a 40-year member of the International City/County Managers Association (ICMA).

Council Member Learnard gave a presentation on the proposed Fayette College & Career Academy. Learnard noted there were 26 college and career academies located in Georgia, and the national model was the Central Educational Center located in Newnan. The academy would consolidate technical and dual enrollment classes in one location, improving efficiency and cost. Students would graduate with a technical college certificate, which gave them skills for a job or the ability to support themselves while pursuing higher education. The Fayette County Board of Education had provided \$41,000 for a needs assessment. Learnard said the academy would be under local control. Learnard said one of the issues cited by local industry was there were not enough qualified candidates to fill jobs due to technical proficiency and work ethic. The steering committee was composed of industry leaders, educators, and political leaders.

Public Comment

There was no public comment.

Agenda Changes

There were no agenda changes.

Minutes

October 4, 2012, Regular Meeting Minutes

Fleisch moved to approve the October 4, 2012, regular meeting minutes as written. Learnard seconded. Motion carried unanimously.

Monthly Reports

Haddix noted the Fire Department report was on the dais. There were no comments.

Consent Agenda

1. Consider Budget Adjustments – FY 2012

2. Consider Bid – Replacement for the Public Works Fuel Canopy – APEC

Fleisch moved to approve Consent Agenda items 1 and 2. Learnard seconded. Motion carried unanimously.

Old Agenda Items

10-12-02 Public Hearing – Consider Annexation Request from Southern Pines Plantation Commercial Group, LLC – 77.10 acres on SR 74 South

Haddix noted there were a staff memo and other additional information, as well as the report from Smart Numbers, on the dais. Planning & Zoning Administrator David Rast addressed Council, giving background information on the request to annex the 77.1-acre tract owned by Southern Pines Plantation Commercial Group, LLC (SPP). The current zoning in unincorporated Fayette County was C-C Community Commercial (27.46 acres), O-I Office Institutional (5.47 acres), and A-R Agricultural Residential (44.28 acres). The site was approved for more than 177,100 square feet of office and retail space several years ago. The County's future land use plan designated the property as Commercial, Office, and Parks and Recreation. The property had one existing access point and two approved right-in, right-out access points.

Rast continued that the proposed plan for the property included two office tracts (two buildings on 4.1 acres), and 90 residential lots (35.9 acres). The buildings on the two office lots would total 20,000 square feet. Acreage to be deeded to the City included 9.1 acres of greenbelt; 18.2 acres of wetlands, streams, floodplain, and buffers; and 9.8 acres of right-of-way. The issues with the site included two streams that ran through the property, wetlands, and future floodplain. A 50-foot greenbelt was planned around the entire development. The frontage on SR 74 was fairly void of vegetation. Staff's recommendations included landscaping and berming along the frontage consistent with the office area on the other side of the highway, helping to provide a gateway entrance into the City. The 60-foot tree-save and landscape buffer would be maintained by the office building owners and the homeowners association (HOA). A transition buffer would separate the office buildings from the residential component. A raised median in the common entry roadway would also separate the office component from the residential component, and it would be landscaped and maintained by the HOA. An amenity area near the entrance of the subdivision would include a pool, cabana, and tot lot. Pocket parks would also be located throughout the development, known as The Gates.

Rast pointed out that the property was not located in the City and was not included in the City's land use plan. Most of the southern portion of Braelinn Village, bordering the site, was single-family medium density, with one-third to one-half-acre lots. The Somerby senior development would be multi-family because of the assisted living and memory care parts of the facility. Meade Field was designated as Open Space Public (OSP). Starr's Mill Professional Building was Office, and Wilshire Pavilion and Wilshire Village were designated as Commercial.

The surrounding land uses in Fayette County included rural residential (minimum one-acre lot size), low-density residential, for Brechin Park, the Chimneys, Millpond Manor, Mountbrook, and Jefferson Woods. All of the subdivisions were on septic except for the Chimneys, but the lot sizes were still one acre. The Mills Farm development, the horse farm on Redwine Road, was designated low-density residential (five-acre or larger tracts). The Starr's Mill School Complex was designated as Public Facility.

The Gates would be single-family medium density and office. The relationship of the surrounding developments had a transition from single-family medium to rural residential, and this proposal was consistent in that portion of the City.

Rast continued that most of the subdivisions on the south side of the City were zoned R-15, with a land use of single-family medium density. The average lot size was one-third acre, and that was consistent from Crosstown Drive south. There were a few higher density cluster subdivisions, but most of the developments off Robinson Road were single-family medium density. Opposite Robinson Road were a few single-family, low-density larger tracts. Most of those were on septic and were a minimum of one-acre in size. There was a variety of zoning in the County subdivisions, but they were all designated rural residential for land use. Brechin Park was a Planned Unit Development (PUD), the Chimneys and Millpond Manor were zoned R-45, Mountbrook was a conservation subdivision with a significant portion of the subdivision designated as open space, Jefferson Woods was a PUD, and Mills Farm was in the County's holding pattern of AR. The Gates fit in with the zoning and land use in place.

Rast said the two most common ways to determine density were gross density and net density. Dividing the total number of lots by the total land area determined gross density. There were 90 lots in the residential component of 73 acres, which was a gross density of 1.23 lots per acre. The net density was the total number of lots divided by the total land area minus greenbelt and open space. The 90 lots would be on 45.7 developable acres for a net density of 1.97 lots per acre. Comparable subdivisions for gross density in the City were Oakdale, Muirfield, Everhill, Wickerhill, Huntington Place, Crescent Oaks, Kimmeridge, and Tapestry. Comparable area subdivisions for net density included Morallion Hills, Meadow Run, Timberlay, Kenton Place, and the Rubicon.

Rast went over the traffic analysis, saying the rates were based on the Trip Generation rates identified within the Institute of Transportation Engineers Trip Generation Report (7th edition). As currently zoned, the Plantation Center (a 177,200 square-foot shopping center with medical/dental office, high-turnover/sit-down restaurant, fast-food with drive-thru, convenience market with gas, and a drive-in bank) would generate 16,285 trips per day, which Rast said was a significant amount next to a major school complex. A corporate headquarters (254,000 square feet) would generate 2,033 trips per day. Although there was not a plan to use for comparison, staff looked at some of the uses at Westpark. The Gates [90 single-family homes and two office buildings (20,000 square feet)] would generate 1,082 trips per day. Rast said a detailed study had not been conducted, but this was what a traffic engineer would use before getting into the details.

Rast continued that staff had also talked with different organizations about the development. Because it was an annexation, Fayette County had to be notified. The following responses were received:

- The Fayette County Board of Commissioners consented not to object to the annexation and zoning request.
- Dr. Richard Bearden, Superintendent of Fayette County Board of Education, confirmed there was sufficient capacity at the Starr's Mill school complex for additional students.
- Fire Chief Ed Eiswerth and Police Chief H.C. "Skip" Clark indicated the development as proposed would have negligible impact on existing level of service or their ability to serve.
- Recreation Administrator Cajen Rhodes indicated their programs have seen a steady decline in participation, and he felt the various youth sports associations would welcome the idea of new families coming into Peachtree City.
- Roland Myers, president of the Brechin Park Homeowner's Association, spoke in favor of the proposed development at the September 10, 2012, Planning Commission meeting.
- Stephen Hogan, general manager of the Peachtree City Water and Sewerage Authority (WASA) indicated the authority had adequate treatment capacity for the proposed

project, and stated, "The current total permitted capacity allowed by our National Pollutant Discharge Elimination System (NPDES) permit is 6.0 MGD (million gallons per day). Our current ADF (average daily flow) is approximately 3.2 MGD. The subdivision project is estimated to contribute only an average of 27,000 to 36,000 gallons per day at full build-out, leaving significant remaining capacity even at the high end."

- Bryan LaBrecque, aviation director of the Atlanta Regional Airport - Falcon Field stated, "We have reviewed the area in question and have no issues with a residential development in the affected area as detailed in the attachment to your e-mail. With regards to a potential office complex use, we would need to further assess the potential impact, depending upon the height of the complex."
- When asked if the Fayette County Development Authority (FCDA) was for or against the rezoning, Matt Forshee, president and CEO, responded, "The Board of Directors of the Fayette County Development Authority has not taken a public position on this issue and at this time does not plan to take a public position on this. It is our goal to ensure that Fayette County and its cities are best positioned to grow economically and though some Board members may have provided some members of council their personal opinions on the project, none of those are in any official capacity."

Rast said staff looked at the annexation and rezoning application packet very closely, including the information gathered since the last meeting. There had been a lot of feedback. Staff supported the request because annexing and zoning the property offered the opportunity to impose restrictions. The City could dictate how it wanted the property to look. He continued that Limited Use Residential (LUR) zoning allowed site-specific zoning conditions.

Rast briefly went over the requested zoning and the requirements for each:

OI Office Institutional

- Use restrictions
- Identification of uses not permitted
- Combined square footage limited to 20,000 square feet
- One curb cut from entrance road
- Parking located behind building
- Maximum building height of 35 feet
- 60-foot tree save and landscape buffer adjacent to SR 74
- Transition yard between residential
- Architectural concept to be similar to Starr's Mill Professional Building
- Limitation on business hours

LUR-16 Limited Use Residential

- No more than 90 lots permitted
- Minimum floor area (1,500 square feet)
- Unified architectural concept
- 60-foot tree save and landscape buffer adjacent to SR 74
- Landscaping within buffer, subdivision entrance, and internal parks to be owned and maintained by HOA
- 50-foot greenbelt along all other property lines would be owned and maintained by the City, with a requirement for the developer to augment the plant materials in sparse areas
- Clearing and grading plan required for each lot; no mass grading of the property
- Landscape plan required for each lot, to include three canopy trees

In addition, Rast said statements must appear on the final plat and within the recorded deed restrictions and covenants for the subdivision indicating the proximity of the development to Atlanta Regional Airport – Falcon Field and the proximity of development to the Meade Field Recreation Complex. Rast pointed out there was approximately 125 feet between the closest ball fields and the homes. The sparser areas would be replanted to create a dense evergreen screen.

Community Services Director Jon Rorie went over the financial impact analysis for The Gates as proposed, development as currently zoned in the County, development as an office complex, development as residential, and development as industrial. The idea behind the assessment was to determine if the development would be an asset or liability to the City. They tried to determine the population increase with type of development and how it calculated into revenue and expenditures. The analysis was based on estimates and assumptions. Staff could only look at various scenarios, not predict the future.

Rorie noted that, no matter what happened with the property, the assumption was there would be an incremental cost increase in the City's budget. Rorie also pointed out that one-time fees (construction permits, connections, etc.) were not included in the summary since there was usually an expense tied to the revenue.

As proposed, the City should see a net gain of \$74,241 over a 10-year period. Rorie noted that, if the property were developed as zoned for commercial use, there would be a net gain of \$119,383. If developed as industrial, the plans would have to be approved by the Peachtree City Airport Authority (PCAA) due to the proximity to the airport. There would still be a net gain over a 10-year period of \$90,690. There was also concern about the type of industry that could locate near the schools.

Rorie continued that the scenarios could all be net positives. The budget position should be one of neutrality. There were many variables, including the stages of construction, how fast it was built, and what was built. The data was as consistent as possible. None of the scenarios were financial windfalls or losses.

Haddix re-opened the public hearing, asking the developer to speak first.

David Kirk of Troutman Sanders spoke on behalf of the applicant, SPP, saying Rast had summed up the request well. He expressed appreciation to staff for all the energy and enthusiasm there had been when answering Council's questions. Kirk said they had also worked hard to respond to questions and provide information. They had letters of either support or no objection with regard to the project. One question was the potential impact of 90 new houses over the next few years on the real estate market in the City. Kirk had provided some information at the October 4 meeting. Kirk introduced John Hunt of Smart Numbers, who went over the analysis of how the new houses would impact the real estate market in the City.

Hunt said his company had been tracking all aspects of the Metro Atlanta residential real estate for approximately 20 years and had expanded to Savannah, Macon, Columbus, Augusta, and Charlotte. In September 2005, his company had notified their clients that a housing downturn was imminent, noting that housing could not continue to appreciate due to overbuilding and over appraising. During the ensuing years, their job had been to gauge the feasibility of projects for their clients, which included developers, builders, realtors, and banks. Their motto was, "every deal was guilty until it could be proven innocent."

Smart Numbers tracked the market in its entirety, and after six years of a housing recession, there were positive signs. Atlanta had an acute lack of inventory and huge increase in demand, which was causing prices to increase for the first time in six years. In normal times, the proper new home price was 10% – 20% above the price of a similar resale home, and that was equilibrium. Between 2003 and 2006, the gap between new and resale expanded when lot prices exploded. The demand shifted from new to resale, which was why new homes stopped selling. The company's prevailing goal when analyzing new subdivisions was to determine the prevailing resale price on a given square footage in the surrounding submarket. Once that was done, his company suggested the price for the new homes be 10% – 20% above the resale price.

Hunt continued that Peachtree City proper had a 4.2-month supply at the current absorption rate. The normal historical supply was seven to eight months, which meant the current supply was below normal and almost an acute shortage. Atlanta was down to a 4.1-month supply. The same number of homes was in Atlanta's inventory today as there had been in 1999. There had been 480 closings in the last 12 months, and there were 169 homes listed. At that absorption rate, those homes would be gone in 4.2 months. There was no oversupply issue.

Kirk reiterated the new homes would not compete with the resale homes. They were offering a project that would contribute in a number of tangible ways (sewer, path connections, greenspace protection, less traffic, gateway feature) and had other financial pluses. It would also contribute in intangible ways (use, look and intensity of the development), as well as providing the opportunity to have a compatible use with the surrounding area. Kirk said he would answer any questions at the end of the public hearing.

Roland Myers, president of the Brechin Park HOA, said the developer had met with their board. The Brechin Park HOA was in favor of the annexation and zoning. This proposal was compatible with their neighborhood. There were no homes in Brechin Park directly under the flight path for Falcon Field, and this project would be further away. The flight path for the corporate jets was over Line Creek. He had not heard any complaints during the 12 years he had lived there.

Gary Weers, president of the Wilshire Estates HOA, referred to an e-mail sent by Haddix on October 14, which included a statement saying that someone in the Wilshire neighborhood suggested filling in the tunnel under SR 74 during a board meeting Haddix had attended. Weers said that meeting was held regarding a proposed bowling center/bar, and he did not recall anyone making that suggestion. Weers said no HOA board member had suggested filling in the tunnel, and no homeowner had ever approached any board member with the suggestion. Haddix said it had happened at an HOA meeting, and a resident made the suggestion, not a board member. Weers said he wanted to set the record straight that the comment had been made during a board meeting. The board met recently with the interested homeowners. A vote was taken, and no one had been opposed to the proposed annexation and zoning. He had gotten several e-mails from residents, and they had not opposed the annexation. Wilshire did not oppose the proposed annexation or the building that was proposed.

Mike Healy, owner of Mike & C's in Wilshire Pavilion, told Council he supported the proposed annexation. It was a much better use of the property than a big box or factory. The homes would be in a reasonable price range that people could afford. It would bring more tax income to the City and County. It would not cost the City more than it would be spending. It would be good for the schools with more children to be enrolled. It would also be good for business at Wilshire Pavilion. Healy said he also had a home in Wilshire Estates, and they would like to see it.

Brian Dingivan, also a resident of Wilshire Estates, said the property had been vacant for at least 20 years and had been rezoned by the County 10 years ago. There was an opportunity to put in something desirable rather than a factory. If the property was annexed and rezoned, there was a clear idea of what would happen.

John Dufresne said he was concerned whether the City had adequate fire service if the annexation was approved. The police and fire chiefs had spoken to the Needs Assessment Committee that day, and Dufresne expressed concern about response times to the south side of the City, particularly when the Somerby senior adult project opened. Another fire station would ultimately be needed, and the cost of a station was \$3.5 million to \$4 million. Dufresne said he could not support the annexation until the fire issue was mitigated.

Mary Giles said she had e-mailed Council earlier with her concerns. She added that, when there was an issue of this magnitude before the citizens, the information should be available before the meeting.

Kevin Wildermuth, a Brechin Park resident, said he generally liked the proposal with one reservation, which was the small lot size, so he was against the proposed annexation and zoning in its current form. The project was on the very edge of the City, and the homes outside the City were on one to five-acre lots. On a three-quarter-acre lot, they would be able to save mature trees since trees were usually wiped out on lots that were one-half acre or smaller. He asked the developer and Council to consider 60 homes rather than 90, which would put the lot sizes at one-half acre, a size not offered in the community. It might attract a niche market.

The public hearing closed.

Haddix said many interesting points had been raised. Financially, all the models came in about the same. He found it hard to accept the development would be completely built in four years. He understood the support from Columbia since the company owned a lot of vacant retail space, and questioned whether Columbia would start building more stores. As for being the gateway to the City, offices were what people would see first. Haddix continued that offices closed down at night, but residential did not. The City had gotten complaints from Wilshire residents about golf cart traffic and trash, which would increase with residential. If the entire tract was built as OI, it would still be peaceful and have less car and golf cart traffic. The cart paths would still need to be connected to the tunnel.

Haddix said not everyone in the County supported the annexation, and he had received 18 e-mails from residents, with one in support and the rest opposed. County residents were concerned about the development being compatible. The office and residential components were both compatible. He had asked about building the entire tract as OI, which was different from industrial zoning, and would be a good neighbor.

Haddix questioned whether the City really needed new homes. There were 14 undeveloped office sites and 1,200 undeveloped residential sites in the City. Haddix said OI meant jobs, residential did not. People had to have a reason to move to Peachtree City. If they were working here, there was reason to move here. More homes should not be built in a declining market. Haddix questioned that there were 169 homes in inventory, saying it depended on the source. He could find double that amount on the internet. He asked if homes in foreclosure and for sale by owner were included, as well as those homes that were "underwater," (homes worth less than what the outstanding mortgage) saying those owners could not sell their homes. The number of rentals would increase, the number of people trapped in the City would increase,

and the number of homes in foreclosure would increase. The benefit to building new homes did not exist.

Haddix said the City was facing something new. It was 53 years old, and the need for redevelopment was here. It was needed in some residential areas now and in the Industrial Park. There was a new element to consider in the future.

Haddix referred to the current zoning of the property in the County. The threat for that was to build a septic spray field, which was not desirable for a retail center and had been terrifying for the residents of the area. Haddix said he was a member of the Fayette County Board of Health and stated septic spray fields were not allowed in the County. Regardless of what was approved by the County Commissioners, the Board of Health had to approve the septic field plan, and variances were not given for septic spray fields. The land in the area did not perk well; sewer was needed to develop anything on the property. To get sewer, the developer had to conform to what the City wanted. The developer could not put anything they wanted on the property. They had to have sewer to develop the property with any realistic density.

During the community assessment meetings held for the Comprehensive Plan in 2007, the citizens had said more homes and retail were not needed, but job production was. Haddix said jobs created home sales, which built retail, which filled the City's coffers.

Fleisch asked Haddix if he wanted to annex the property as OI or leave the zoning as it was, hoping the County Commissioners would rezone it to OI. Haddix said he would vote to annex the property as OI, but the Commissioners could not change the zoning to OI. The property owners had to ask for it.

Dienhart said he had been fighting with this decision for two weeks. He was going to vote against it, adding he was worried about a double-dip recession and he had concerns about the school situation. The Board of Education would be closing schools, and students would be shifted throughout the school district. By the time the subdivision was built out, there would be trailers at the Starr's Mill School Complex. He was worried about the fire station situation, and the City did not have \$4 million to build a new fire station. There were already response time issues in the area, especially if more than one call came in, and adding more homes could affect insurance rates. All the e-mails he had received were negative, except for one. There were multiple reasons, but he was going to vote no. Haddix said the fire service issue was not a new concern.

Assistant Fire Chief Joe O'Connor addressed Council, noting Fire Chief Ed Eiswerth had to leave. O'Connor said the impact on the fire service would be negligible. Staff had compared similar residential neighborhoods, selecting four streets at random and finding they had been on those streets two times within a year. They had also done similar research on the Somerby senior facility, noting that a year's review of Towne Club showed there had been 59 calls to that complex. Somerby was in the same general vicinity as the annexation. O'Connor continued that he and Eiswerth had met with the Needs Assessment Committee that day, and he clarified that there would be a problem if the department's staffing or any of the budget was cut. Assuming that everything remained flat, the annexation would not affect the department's level of service. That part of the City was identified in every evaluation as needing additional support. Those needs were established, and impact fees were being collected for that purpose, as well as for two other areas that had been identified. The area was three miles from the Braelinn station and 5.4 miles from the Paschall station. Ideally, there should be a station every 1.5 miles.

Dienhart said he understood the additional station would help to meet a level of service City-wide. There were another 1,200 homes to be built in the West Village.

Fleisch said the West Village did not even come into play in this proposal. Those developers needed \$6 to \$7 million to build a road before any dirt could be turned for a home. Fleisch asked Rast if that plan could change based upon what the market would be at that time or if the developer was held to the current plans.

Rast explained that both tracts in the West Village were zoned LUR. In order to change the layout or density, the property owners would need to rezone the property. Wieland's tract included 475 lots, and Scarbrough's tract had 650. It would more than likely be years before any of the lots were available due to the economy and some of the requirements for the zoning. One of the requirements was to donate land for a fire station, and those impact fees would go toward that.

Dienhart asked if the City would get \$4 million in impact fees from those two projects. The homes would go in before the fire station did, so the City would be spreading itself thinner and thinner. The neighborhood looked beautiful; it was just not the time. None of the residents wanted it. A double-dip recession was coming, and closing schools scared him.

Haddix said there were still lots to be built in Centennial and Cedarcroft. He had just signed the plats. Rast clarified that the last four townhomes in Centennial had already been built and were for sale, and they were the last four homes in Centennial. Fleisch said there were 24 lots remaining in Cedarcroft.

Fleisch said the housing market had changed markedly during the past three years. In 2009, there had been 493 homes for sale in June or July. Today, there were 175 homes per her information, which was slightly different, but still in the same ballpark, as that provided by Hunt. Fleisch asked Hunt to explain his methodology.

Hunt said the City used two listing services, Multiple Listing Service (MLS) and FMLS (First Multiple Listing Service). His company handled the reporting and analysis for FMLS for the last 10 years. There was overlap in the listings. His company took both services and kicked out any duplicates. The database was very active and robust. Haddix asked if FMLS listed the "for sale by owner" homes. Hunt said they did not, but usually the rate was 10%. Foreclosures and short sales were included. The data was extremely accurate. Anecdotal stories were common around the City about the lack of inventory, which had happened fairly quickly. The demand had picked up dramatically the last year throughout Atlanta. There had been tremendous success with new home construction coming in at the right price. For every home that was built, three jobs were created.

Fleisch asked Hunt if only data from the 30269 zip code was used. Hunt said they had only used data for the Peachtree City proper for the analysis. Most of the lots were one-third acre. Going to a half-acre lot priced the homes into a range where there was no demand. The demand was shown in the \$350,000 – \$450,000 range for a 3,000 – 4,000 square-foot house, which sold at a rate of two to three per month. Making the lot one-half acre would increase the price of the homes, and they would not sell.

Fleisch said most of the negatives e-mails she received were about houses sitting unsold, but she noted the e-mails were about subdivisions outside the City at different price points. Homes in the \$350,000 range sold in 30269. She asked Hunt if he had looked at homes located outside the City and how they were selling. Hunt said they had. As for new homes sitting, there was a

metric used that showed when a consumer had the choice to buy new or a resale at a similar price, they generally chose new without fail at about a 45% market capture and chose resale at about a 50% capture, which was comparable to Atlanta. The reason there was no new home activity in his analysis was because none had been built. Where new homes were being built right, they were selling. Fleisch asked Hunt if he had done anything specific with Cedarcroft, which along with Centennial, was the only subdivision selling new homes. Hunt said the subdivision was in their database. Hunt said all of their experience showed the homes would sell about two to three a month, conservatively.

Fleisch asked what kind of environment had to be in place for redevelopment to take place in the housing industry. Hunt said he did not have the expertise to answer that.

Haddix said most of the employees of City businesses and industries lived elsewhere. The advantage for property taxes was to increase the industrial or OI. Hunt said that assumed there was demand for OI and industrial, and that demand was not coming back. There had to be rooftops first.

Haddix disagreed, saying if the business located here, then it did not matter if the employees lived here. There was an industry that wanted to come here, and all they needed was property. There were five companies looking to expand. If an industry located here, it did not matter where the employees lived. They would still be buying supplies here and making sales, and employees were still buying lunches and products. The City's problem for office and industry was having good land. People could not sell their houses. Hunt said that was not true; demand was outstripping supply. Haddix said people were renting their homes because they had not sold, and they were under water. Hunt said that, as prices began to recover, those people might be able to sell. Haddix said a job drove the ability to buy a home.

Learnard asked Weers how many residents attended the Wilshire HOA meeting. Weers said there were 250 homes, and about 20 homeowners were involved in the meeting. Most of the residents got involved when they did not like something. If he sent out an e-mail asking for a vote, it might not be unanimous, but it would be a landslide. Learnard said she had received several e-mails, and most were concerned with resale of homes. Dienhart asked Learnard how many people she personally talked to supported the annexation. Learnard said it was probably 60/40 in support. Dienhart said none of the people he talked to supported the annexation.

Learnard asked Rast what could go on the property as it was currently zoned in the County. Rast said it was zoned for retail and office. The commercial zoning encompassed 27 acres, which could include a big box, strip retail, and five or six outparcels. Learnard said she was experiencing *déjà vu*, comparing the situation to what had happened with the Line Creek retail center on SR 54 West. Council had "horsed around," saying they did not like the plan and that it was too big or too dense. Then a developer came in and wanted to put in exactly what could go in under the existing zoning, and now a RaceTrac was being built. If the City did not annex the parcel and develop the residential, then what happened was out of the City's control. She felt if the City would not do anything, then the City would get what it paid for, just as with Line Creek. She would like to see a job-producing neighborhood such as a corporate headquarters, but that had not happened in 12 years. The proposal was reasonable and sensible. She said everyone was concerned about the schools, but there would be capacity for the number of children in 90 homes. Dienhart said the school superintendent's statement did not include having five schools in the system that might be closed.

Fleisch noted that the same owner had tried to have the parcel annexed in 2009 for commercial zoning to access sewer so a big box and retail could be developed. Now the plan had stepped

down to office and residential. She asked if the property's value would be less since commercial property was usually valued higher. Rast said that was probably an accurate statement. Fleisch said the property owner was trying again. She added that she had one change she wanted to make.

Haddix said he was a Council Member in 2009, and there was not a big box in the plan. Council turned down the annexation for retail. He noted he was also on Council when Council looked at the Special Use Permit request from Line Creek. The citizens were outraged about putting a big box on SR 54 West and adding another traffic light. Haddix said he had not gotten any complaints about RaceTrac. Learnard pointed out it was not built yet.

Imker said he had wanted to hear all the facts. He had been disappointed in some of the deceptive input that had been intended to prevent Council from getting the whole story. He did not want uncontrolled property at the City's south side gateway. He supported the annexation and zoning request, and the opportunity to do that. He had personally asked the Police Chief and Fire Chief how much it would cost to cover the area, and it had not been an additional \$40,000 – \$50,000, as shown in the staff cost analysis. It would cost the Fire Department approximately \$2,000 more per year, and it would cost the Police Department an additional \$5,000. Personnel would not be added to support the annexation. Imker estimated the expenses at \$50,000 annually, which would be offset by property taxes. The numbers looked good. He thanked staff for the additional work. Imker said it would have been nice to have the information earlier, but the staff memo was on the website. The land use and traffic numbers supported the proposal.

Imker continued that, when the 1,200 to 1,400 new homes were built on the west side of the City, those residents and homes would be able to support another fire station. Ninety homes would not require a new fire station. There might be an issue with two simultaneous calls, which happened all the time. If one station was busy, another station covered the call.

Imker said he read an e-mail talking about the stress on the recreation fields and programs, but the recreation administrator said additional children would be great. Imker said he had gotten a dozen e-mails in one day from residents outside the City concerned about their home prices. He did not care about their home prices when they sold. If those people were staying here, they would not care in 10 – 20 years when the home prices recovered. They were just looking for a quick kill to get out of here and look for another job in another state. He also heard the homes would be priced \$30,000 – \$60,000 higher than comparable existing homes, and that clinched it for him. It would provide choices for buyers. He read from Hunt's analysis, "the downward dollar pressure is relieved based on the 10% to 20% higher market starting value of new homes."

There were two offices buildings planned for 22,000 square feet, possibly a doctor's or dentist's office, which was very benign. Imker continued there was a dream list of what was going on the property. He referred to Matt Forshee's statement concerning using the land for industry and offices, saying Forshee did not see the demand for that. There were 14 undeveloped office lots and 39 undeveloped industrial lots in town. There were plenty of opportunities already in the City.

Imker said the City had the opportunity to annex in the property with something concrete that the City could control. As for its proximity to the airport and noise, Imker said it was over two miles away, and the neighbors had indicated there was no impact. Imker said it was asinine for someone to think the City would fill in the golf cart tunnel under SR 74, adding that was a ridiculous argument not to approve the annexation.

Imker said he had wanted to ensure the developer committed to all the things promised upfront, and that it happened before the homes were built. Everything about the proposal said yes, and Imker said he supported it.

Dienhart disagreed with Imker about the schools. He reiterated that schools were going to close. There was a \$20 million shortage. Some of those students from the closed school would go to that complex. The capacity would not be available at those schools.

Fleisch had environmental concerns about the area. The Somerby developer had planned to build its own sewer lift station, which meant it did not have to be built to state specifications since it was on private property. If this property was annexed into the City, there would be six partners/properties willing to contribute to build a regional lift station. A regional lift station had been approved by the state a few years ago, but the necessary certifications had expired. Fleisch said the Water and Sewerage Authority (WASA) had gone back to the state to renew it. She was not sure what had happened with that, but the timing would be good for Somerby. While it might not be an environmental disaster, there would be one less lift station to accommodate the area.

Rast said staff had just gotten the plans for the lift station and sewer line that day, and the state had signed off on it. It would allow the partners to come together to work out the funding for a regional station, removing the private lift station from Somerby's tract.

Fleisch asked to amend one of the conditions for approval. She asked that the architectural similarity of the office buildings to Starr's Mill Professional Building be changed to a residential look rather than the institutional look at Starr's Mill. She felt that would blend in better with the area. Kirk said that was fine. They would work with staff and the Planning Commission on the general architectural standards.

Imker moved to approve the annexation and zoning request for the Southern Pines tract. Fleisch seconded. Motion carried 3 (Fleisch, Imker, Learnard) – 2 (Haddix, Dienhart).

New Agenda Items

10-12-09 Public Hearing – Consider Amendments to Article IX, Section 908, of the Zoning Ordinance to Establish Regulations for Mobile Food Trucks

The dates of the Planning Commission public hearing changed after the legal notice had been published, and the public hearing was moved to the November 8 meeting.

10-12-10 Consider Reimbursement Resolution – 2013 Stormwater Revenue Bonds

Financial Services Director Paul Salvatore said the resolution would allow the City to reimburse itself for any funds spent from the General Fund if, and when, a decision was made regarding another stormwater bond. He explained that construction funds from the 2006 stormwater revenue bond were depleting. It was at the point that funds had to be taken from the Stormwater Renewal and Extension Fund or the City's General Fund cash reserve if Council felt the work was important enough that it had to move forward prior to closing on another bond.

Dienhart clarified that Council was not voting on a bond, but to take money for projects that might be associated with the bond at a future time. Salvatore said if the City provided the funds for the projects in advance of the bond, the resolution allowed the City to reimburse itself. City Attorney Ted Meeker explained that Council was not voting on a bond or the appropriation of any funds from the General Fund for stormwater projects at this time. The reimbursement resolution was done in advance to comply with Internal Revenue Service (IRS) regulations so, if

the City did spend any money and a bond was issued later, then the General Fund could be reimbursed from the bond funds.

Haddix clarified that the list of projects was still subject to discussion, and this was just the first preliminary step. Meeker said the reimbursement resolution was in anticipation of funds being spent.

Haddix said he knew the City needed stormwater money, but since it would come from property owners, he was not prepared to vote for any increase in anything until the spending was adjusted. He wanted to make that clarification since he was going to vote against the agenda item. The Council consensus was the spending needed to be under control.

Learnard moved to adopt the reimbursement resolution for the 2013 stormwater revenue bonds. Fleisch seconded. Motion carried 4 – 1 (Haddix).

10-12-11 Consider Changes in Rental Fee Structure for the Amphitheater

Amphitheater Manager/Convention & Visitors Bureau Executive Director Nancy Price addressed Council, asking for an increase in rental rates for for-profit organizations. The fees had not been raised since 1994. Staff compared the Fred's rates to three other venues in the Atlanta area. Currently, the fee was \$2,500, and the request was to increase the fee to \$3,200 or 10% of the gross. The recommendation for the 10% gross was due to the increasing popularity of amphitheater, which was now getting higher level acts that took a lot of staff time, then writing very large checks to the promoters. The application fee was \$25, with a recommendation to increase it to \$100. Price also recommended starting background checks to protect the City's interests.

Price continued the ticket surcharge of \$2 covered administrative fees and credit card charges, and there was no recommendation to change that. There was currently no fee to rent the Green Room. The proposed fee was \$100, which would help with the wear and tear on the room. There was no fee now to use chairs and tables. The recommendation was to charge \$4 each for tables and \$1 each for chairs. Price stressed the fees would not be applied to the non-profit rentals, and the recommendation was to keep those at \$1,500.

Learnard moved to approve the fee changes as discussed. Fleisch seconded. Motion carried unanimously.

Council/Staff Topics

Hot Topics Update

Learnard noted this would be the last meeting prior to Election Day, and she encouraged residents to vote for the Education Special Purpose Local Option Sales Tax (E-SPLOST). She pointed out that some of the funds were used to help pay down the bond debt, so that was an advantage to voting yes.

Dienhart said he also supported the E-SPLOST, adding that there would be an essentially new Board of Education after the election, and it was unfair to ask them to find another \$20 million to cut from the budget. He asked residents to please consider keeping Fayette County schools the best.

Learnard recognized Planning Coordinator Tony Bernard, who had resigned to take a new position in another city, adding that his work had always been impressive and he would be missed.

Learnard moved to convene in executive session for pending or threatened litigation at 10:25 p.m. Dienhart seconded. Motion carried unanimously.

Learnard moved to reconvene in regular session at 10:32 p.m. Dienhart seconded. Motion carried unanimously.

There being no further business to discuss, Dienhart moved to adjourn the meeting. Learnard seconded. Motion carried unanimously. The meeting adjourned at 10:33 p.m.

Pamela Dufresne, Deputy City Clerk

Don Haddix, Mayor

**City Council of Peachtree City
Special Called Meeting Minutes
October 25, 2012
9:00 a.m.**

The Mayor and City Council of the City of Peachtree City met in special called meeting on Thursday, October 25, 2012. Mayor Haddix called the meeting to order at 8:57 a.m. Other Council Members in attendance: George Dienhart, Vanessa Fleisch, and Kim Learnard. Eric Imker was out of town.

The purpose of the meeting was to consider an application for an alcoholic beverage qualifying location permit. The applicant was Michael Rossetti, and the location was Hangar B-4, 500 Aviation Way, at Atlanta Regional Airport – Falcon Field.

Learnard moved to accept the application and waive the annual fee for qualifying location permit. Fleisch seconded. Motion carried unanimously.

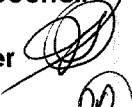
There being no further business to discuss, Learnard moved to adjourn the meeting. Fleisch seconded. Motion carried unanimously. The meeting adjourned at 8:59 a.m.

Pamela Dufresne, Deputy City Clerk

Don Haddix, Mayor

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council 
VIA: City Manager 
FROM: Deputy City Clerk 
DATE: October 24, 2012
SUBJECT: Alcohol License – NEW – Due South Southern Cuisine
November 8, 2012, Regular Meeting

Recommendation:

Staff recommends that Council approve the alcohol license for Due South Southern Cuisine.

Discussion:

Due South Southern Cuisine, a full-service restaurant taking over Latitude 32 at 302 Clover Reach, has submitted a request for a new alcohol license. Mr. Bryan Gardner has requested he be appointed as the Licensee and License Representative.

Budgetary Impact:

The budgetary impact of the alcoholic beverage license will be positive. The applicant will be required to pay the annual fee for the consumption sale of distilled spirits, beer, and wine, which is \$5,000, plus an additional \$500 for Sunday Sales.

Attachment

Application For Alcoholic Beverage License

Business Name: DUE SOUTH PTC, LLC DBA: DUE SOUTH SOUTHERN CUISINE	Business Location: 302 CLOVER REACH PTC, GA 30269	
Nature of Business: FULL SERVICE RESTAURANT	Mailing Address: PTC, GA 302 CLOVER REACH 30269	Business Phone Number: 770-629-5847
Name of Licensee: Bryan Gardner	Home Address: 420 South Ridge Senoia, GA 30276	Home Phone Number: 678-876-1618
Name of License Representative: Bryan Gardner	Home Address: 420 South Ridge Senoia, GA 30276	Home Phone Number: 678-876-1618

Please indicate type of licenses applying for:

Retail Consumption Dealer		Retail Package Dealer		Wholesale Dealer	
☒	Malt Beverage	☐	Malt Beverage	☐	Malt Beverage
☒	Wine	☐	Wine	☐	Wine
☒	Distilled Spirits	☐	Distilled Spirits	☐	Distilled Spirits

Please complete information below (use separate sheet if necessary):

NAME	ADDRESS	PHONE NUMBERS
Individual Owner's Name, Partners' Names, Corporation Name and the name of the name of a Contact Person regarding License Changes, Taxes, etc.	Please provide Home Addresses for the individuals listed:	Please provide Home and Business Phone Numbers for individuals listed:
Due South PTC, LLC	302 Clover Reach PTC, GA 30269	770-629-5847
Bryan Gardner	420 South Ridge Senoia, GA 30276	678-876-1618
Michael Smith	204 Van Ness PTC, GA 30269	770-722-4548

Is any person who owns an interest in the license an employee of the City of Peachtree City? YES / **NO**

If YES, Please Provide Name of Employee: _____

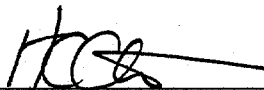
State of Georgia

City of Peachtree City

I, H.C. "Skip" Clark II, Chief of Police for the City of Peachtree City, do hereby certify that:

William Bryan Gardner
420 Southridge
Senoia, GA 30276

has been investigated and found not to have been convicted of, nor to have entered a plea of nolo contendere, to any felony or misdemeanor relating to the sale or use of alcoholic beverages or illegal narcotics or drugs within five (5) years prior to the date of the application for this license.



H.C. "Skip" Clark II
Chief of Police

10/22/12

Date

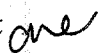


Witness

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and City Council Members

VIA: City Manager 
Director of Financial Services P.S.
Assistant Financial Services Director 
Purchasing Agent 

FROM: Acting Court Clerk 

DATE: October 17, 2012

SUBJECT: Approve Stephen Ott for Municipal Judge for Calendar years 2013-15
November 8, Council Meeting

RECOMMENDATION: Staff recommends the City Manager authorize the City to extend our current agreement with Stephen Ott for all City Municipal Judge Services for calendar year 2013 with the option of extending this agreement two additional calendar years.

DISCUSSION: Stephen Ott was awarded a three year agreement for Municipal Judge Services in 2010 at a rate of \$100.00 per hour. Prior to that, he had been the Acting Judge for the City. During his time as acting judge, staff and citizens have been very impressed with his knowledge of the law, ability to interact with defendants, attorneys as well as court room staff. Judge Ott's response to the City's request for proposals exceeded the City's expectations. No other proposals were received from other potential judges.

Over the past three years, staff has been extremely pleased with the service provided by Judge Ott. During this time he has brought several positive changes to the Court. Consistent with State law, he has introduced some operational efficiencies such as allowing certain offenses to pay their fines without being required to appear in Court as well as extending the time frame in which fines can be paid on the day of Court, further reducing Court time. All of which have had the effect of reducing the billable Judge hours as well as overtime for City staff. Along with the Court staff, Judge Ott continues to work to bring about more efficiencies in the Court room.

Judge Ott has requested a 10% increase from his hourly rate submitted three years ago.

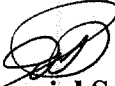
Budget Impact:

The City has budgeted \$34,000 for this service.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and City Council Members

VIA: City Manager 
Director of Financial Services *P.S.*
Assistant Financial Services Director 
Purchasing Agent *me*

FROM: Acting Court Clerk 

DATE: October 22, 2012

SUBJECT: Approve Judge Pro Hac and Solicitor Pro Hac for calendar year 2013
November 8, 2012 Council Meeting

RECOMMENDATION: Staff recommends the City Council authorize the City to enter into an agreement with James Dalton for all City Municipal Judge Pro Hac Services and Robert Stokely for all Solicitor Pro Hac Services for calendar year 2013.

DISCUSSION: Judge and Solicitor Pro Hac services are **only** used during a vacation time or an emergency situation.

Budget Impact:

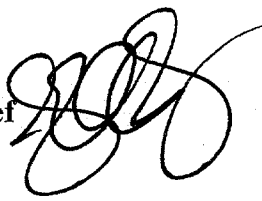
The City has budgeted for this service.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members

VIA: City Manager 
Director of Financial Services *P.S.*
Purchasing Agent 
Fire Chief

FROM: Joe O'Connor, Assistant Fire Chief 

DATE: October 26, 2012

SUBJECT: Request to Purchase Radios
November 8, 2012 City Council Agenda

Recommendation:

The Fire Department requests sole source authorization to purchase ten (10) each model APX 6000 portable radios for a total price of \$ 29,637.50.

Discussion:

Every year we allocate funds to replace a few radios as the technology improves. This proposed purchase of ten (10) portable radios takes advantage of a deeply discounted price because all radios were 'lightly used' at the recent Republican and Democratic National Conventions. These radios come with full manufacturers warranties as if purchased 'new'. This quoted price is \$ 893.00 per radio below the Georgia State Contract price for an identically configured radio.

These radios represent a significant improvement in technology over portable radios purchased as recently as last budget year. The APX model provides advances in weatherproofing and operation with high ambient noise levels found on today's fire ground. This purchase would continue the City's existing brand name selection of Motorola radios to allow full compatibility with the present Fayette County Public Safety 800 MHz trunked radio system. These are also programmable to be fully compatible with Coweta County's new 700 MHz radio system to allow for full interoperability in Mutual Aid operations.

Budget Impact:

It is my recommendation that we take advantage of this unique opportunity to save \$8,930.00. We allocated \$ 23,408.00 in the Fire Department 2013 operating budget for the replacement of 800 MHz portable and mobile radios. The remaining \$ 6,229.50 will be made up by reprioritizing other purchases within the approved Fire Department's Small Tools and Equipment Budget (100-3510-53-1650) without the allocation of any additional funds.



MOTOROLA SOLUTIONS

October 22, 2012

CITY OF PEACHTREE CITY FIRE DEPARTMENT
Proposal # 12-034a

APX6000 M2 DIGITAL PORTABLE RADIO

10 H98UCF9PW6 N – 3 watt, 7/800MHz, 3600 SMARTNET Operation

\$2,963.75ea / \$29,637.50

PACKAGE INCLUDES

870 Modes
ASTRO25 Operation
Universal Carryholder
Standard One Year Warranty
IMPRES Single Unit Charger
BlueTooth Hardware Capable
Standard Software Based ADP
IMPRES LiIon 2900 MAh Battery
Dual Microphones w/.5W Speaker
Standard ½ Wave 800MHz Antenna
Advance System Key – Software Key
Extreme 1-sided Noise Reduction SW
IP67 Submersible, 1 Meter for 30 Minutes
Front Display 4 lines/14 char / Top Display 1 line/8 char
XE RSM Dual-mic Noise Cancelling Technology, Delta T, FM

OPTIONS & ACCESSORIES

Spare IMPRES LiIon 2900 MAh Battery \$84.00ea

Notes:

1. Programming will be accomplished by Fayette County 911.
2. Radios were slightly used during recent RNC and DNC Conventions.
3. Payment terms are net 30 days from invoice and shipment is FOB destination.
4. APX 6000 requires Advance System Key to be programmed to operate on a trunked system.
5. Please include Proposal Number, Payment Terms and Shipping Address on purchase order.

Thank you,

John Byrd
Senior Account Manager

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members

VIA: James L. Pennington, City Manager 

FROM: Paul Salvatore, Financial Services Director
Beverly Waldrip, Assistant Finance Director  P.S.

DATE: November 2, 2012

SUBJECT: Budget Amendments – Fiscal Year 2013
November 8., 2012 – City Council Meeting

Recommendation:

It is Staff's recommendation that City Council approve the attached budget amendment to amend the 2013 budget resolution.

Discussion:

Amendment 13-002

To carry-over the Storm Water expenditure budget for completion of engineering plan updates and for completion of property appraisals in process at year-end for the following purchases orders:

13-19993	Integrated Science & Engineering	Stormwater Utility Plan Update	15,136
13-19995	Integrated Science & Engineering	Updated Drainage System Policy	13,786
13-19997	M.H Biggers & Associates	Parcel Appraisals	4,900

Budget Impact:

The proposed Stormwater budget amendment will increase the 2013 Stormwater budget by \$33,822. Funding will be taken from un-restricted Surplus.

**CITY OF PEACHTREE CITY
BUDGET AMENDMENT**

DATE 11/2/2012
AMENDMENT NUMBER 13-002

ACCOUNT	DESCRIPTION	INCREASE	DECREASE
521-0000-389025	Storm Water - Surplus Carry-over	33,822.00	
521-4250-521200	Storm Water - Professional Services	33,822.00	

To carry-over the Storm Water expenditure budget for completion of engineering plan updates and for completion of property appraisals in process at year-end for the following purchases orders:

13-19993	Integrated Science & Engineering	Stormwater Utility Plan Update	15,136
13-19995	Integrated Science & Engineering	Updated Drainage System Policy	13,786
13-19997	M.H Biggers & Associates	Parcel Appraisals	4,900

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: City Council

VIA: City Manager 
Community Services Director 

FROM: Planning and Zoning Administrator

DATE: November 2, 2012

SUBJECT: Consider amendments to Section 908, Accessory Uses, to establish regulations for Mobile Food Trucks

Recommendation

That Council adopt the proposed amendments to Section 908, Accessory Uses, specifically to establish regulations for Mobile Food Trucks.

Discussion

On August 16, 2012, City Staff requested guidance from City Council as to whether or not they might support an ordinance amendment allowing a Mobile Food Truck Lot within Peachtree City. The request had come from Mr. Jimmy Daniel, who currently operates the Grazing Here food truck at the Peachtree City Farmer's Market on Wednesdays and Saturdays.

It was presented that Mr. Daniel desires to establish and operate a Mobile Food Truck Lot along with other mobile food trucks on specific days of the week. It was also presented that, in order to permit this type of activity, the city's Outside Display Ordinance must be amended.

Council voted unanimously to authorize staff to move forward with research and development of the proposed amendments.

Staff compiled and researched ordinances from communities such as Roswell, GA; Memphis, TN; Austin, TX; Greensboro, NC; Chapel Hill, NC; and Champaign, IL, among others. We also consulted with representatives from various organizations including the Atlanta Food Truck Alliance.

Proposed Amendments to Section 908.7

November 2, 2012

Page 2

The attached ordinance amendment is specific to Mobile Food Trucks which, if adopted, would become a part of our Accessory Uses ordinance.

At their meeting on October 22, 2012, the Planning Commission voted 4-1 to forward the proposed amendment to City Council with a recommendation that it be approved, subject to language being added that would limit mobile food trucks to only those affiliated with restaurants located within the city limits.

It should be noted that Staff does not support this change.

SPECIAL CALLED PLANNING COMMISSION MEETING

October 22, 2012

PH-12-03 Consider proposed amendments to Section 908, Accessory Uses, of the Peachtree City Zoning Ordinance, specifically establishing regulations for Mobile Food Trucks.

MOTION

After discussion, a motion was made by Mr. Destadio and seconded by Mr. Daily that the proposed amendment to Section 908, Accessory Uses, of the Peachtree City Zoning Ordinance, specifically establishing regulations for Mobile Food Trucks, be forwarded to City Council with a recommendation that it be approved with an 11th item added to Section 908.10(c), the list of information required with the application for a Mobile Food Truck Vendor Permit, as listed below. The motion passed by a vote of 4 to 1 with Ms. Wojcik voting against the motion.

11. Any mobile food truck vendor must be actively operating a business within the city limits of Peachtree City.

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE
OF THE CITY OF PEACHTREE CITY, GEORGIA, AS AMENDED,
SO AS TO ESTABLISH REGULATIONS FOR MOBILE FOOD TRUCKS;
TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY;
TO ESTABLISH AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PEACHTREE CITY, and it is hereby ordained by authority of the same that:

Section 1. Article IX, Section 908, Accessory uses, of the Peachtree City Zoning Ordinance, as amended, be further amended to add subparagraph 908.10 as follows:

(908.10) *Mobile food truck standards:*

(a) *As used in this section, the terms below shall be defined as follows:*

1. *Commissary* shall mean an approved catering establishment, restaurant, or other approved place in which food, containers or supplies are kept, handled, prepared, packaged or stored.
2. *Menu change* shall mean a modification of a food establishment's menu that requires a change in the food establishment's food preparation equipment or storage requirements previously approved by the Fayette County Health Department. The term "menu change" shall include, but is not limited to, the addition of potentially hazardous food to a menu, installation of new food preparation or storage equipment, or increasing storage capacity.
3. *Mobile food truck* shall mean a retail food establishment that reports to and operates from a commissary and is readily moveable. Said mobile food truck shall be a motorized wheeled vehicle which includes a self-contained kitchen where food is prepared or stored and from which food products are sold or dispensed.
4. *Mobile food truck vendor ("vendor")* shall mean the registered owner of a mobile food truck or the owner's agent or employee.
5. *Mobile food truck vendor permit ("vendor permit")* shall mean a document indicating the owner of an established mobile food truck has met the requirements of this ordinance and is licensed to operate within the City of Peachtree City.
6. *Mobile food truck vendor site ("vendor site")* shall mean a location where one or more mobile food trucks are located at any one time specifically for the purpose of selling merchandise in accordance with the provisions set forth within this ordinance.

7. *Pushcart* shall mean any rubber-wheeled or non-self-propelled vehicle used for displaying, keeping or storing merchandise for sale. A pushcart may be moved without the assistance of a motor and does not require registration by the State Department of Motor Vehicles. Products typically sold from a pushcart include commissary-prepared or pre-packaged food products, fruit, merchandise, drink or flowers (prohibited).

(b) *Permit required.*

It shall be unlawful for any person to sell, or offer for sale, food or beverages of any type from a commissary or mobile food truck without first obtaining a vendor permit as described herein.

Approved vendors shall only sell, or offer for sale, merchandise from approved vendor sites as described herein, except for city-sponsored events.

(c) *Vendor Permit application requirements.*

An application for a Mobile Food Truck Vendor Permit as described herein shall be submitted to the Planning and Zoning Administrator or his or her designee for review and consideration and shall include, at a minimum, the following information:

1. Name of the mobile food truck vending business.
2. Owner's contact information.
3. Operator's contact information.
4. Make, model, dimensions and license plate number of the mobile food truck.
5. Photographs of food truck, to include all sides and all signage.
6. Location, dates and times of vending site operation.
7. A copy of approved permit from the Fayette County Health Department.
8. A copy of the current Occupational Tax Certificate from where the business is licensed.
9. A copy of current liability insurance policy, issued by an insurance company licensed to practice in the State of Georgia. Each vendor shall maintain no less than a \$1,000,000 liability insurance policy, protecting the vendor, the public and the city from all claims for damage to property and bodily injury, including death, which may arise from operation under or in connection with the permit.

10. Signature of applicant indicating agreement to the listed regulations.

A Mobile Food Truck Vendor Permit shall be valid for twelve (12) months from the date of issuance.

(d) *Vendor site application requirements.*

An application for a Mobile Food Truck Vendor Site as described herein shall be submitted to the Planning and Zoning Administrator or his or her designee and shall include, at a minimum, the following information:

1. Vendor sites shall be limited to private tracts of land within the GC General Commercial, OI Office Institutional, LI Light Industrial and GI General Industrial zoning districts.
2. The application shall include all dates and hours of operation proposed for the vendor site. Each vendor site shall be limited to operating no more than **two (2) days per week** for no longer than **six (6) hours per day**.
3. A separate application for each vendor site shall be submitted for approval prior to establishing a vendor site.
4. Written consent from the property owner(s), property manager(s), leasing agent(s) and/ or lessee(s) indicating their approval of the vendor site.
5. A detailed site plan of the proposed vendor site indicating the location of each mobile food truck, generators, tables, trash cans, parking areas and traffic flow.

Each mobile food truck shall be located:

- (a) on paved surfaces only and shall not block drive aisles, access to loading/ service areas, emergency access or fire lanes;
- (b) no closer than thirty (30) feet from the right-of-way of an arterial highway (SR 54 and SR 74) and shall not be located within a landscape buffer or sight triangle.
- (c) no closer than fifteen (15) feet from existing fire hydrants or transformers. The overall vendor site shall include no less than 15 off-street parking spaces for each mobile food truck. If adequate on-site parking is not available, the parking requirements must be met by designating parking spaces in an off-site parking area abutting the vendor site. Written consent from the owner of the adjoining property must be provided indicating they have approved off-site parking on their property.

- (d) within 200 feet of an existing brick-and-mortar restaurant during the hours when such restaurant is open to the public for business.
- (e) within 300 feet of a school or day care facility while that facility is in session unless written approval is established with that facility.

A Mobile Food Truck Vendor Site Permit shall be valid for the dates identified on the application only. Any changes to the approved permit shall be approved in advance by the Planning and Zoning Administrator.

(e) *Aesthetic/ signage requirements.*

- 1. Absolutely no flashing, blinking or strobe lights shall be used on or within mobile food trucks or related signage. All exterior lights with over 60 watts shall contain opaque hood shields to direct the illumination downward.
- 2. All signs used must be permanently affixed to or painted on the mobile food truck and shall extend no more than six inches from the vehicle. No sign shall flash, produce or reflect motion pictures; emit visible smoke, vapor, particles or odor; be animated or produce any rotation, motion or movement. No sign shall be internally illuminated.
- 3. A portable menu board measuring no more than six (6) square feet in size may be placed on the ground within the customer waiting area. This sign shall be located no more than ten (10) feet from the edge of the mobile food truck.

In no instance shall the portable menu board be located between the mobile food truck and any adjoining public road.
- 4. Mobile food trucks shall be maintained in good condition and appearance with no structural damage, holes, or visible rust, and shall be fully street legal. All vehicles shall be free of debris and shall be serviced regularly so as to prevent spills/ deposits of oil/ fuel, coolant, grease or other material.

(f) *Operational requirements.*

- 1. Mobile food trucks shall not conduct business within the city limits unless a valid permit has been issued as described herein.
- 2. The vendor permit shall be firmly attached to the window adjacent to the ordering or serving window and visible on the mobile food truck at all times.
- 3. Any driver of a mobile food truck must possess a valid driver's license issued by the State of Georgia.

4. No sales or offers for sale shall be made from any mobile food truck between 9:00 PM and 5:30 AM unless such sale is in conjunction with a city-approved special event.
5. No structure, vehicle or equipment shall be left unattended or stored at any time on the vending site when sales are not taking place or during restricted hours of operation.
6. Each vendor shall comply with all state, federal and local health and safety regulations and requirements and shall obtain and maintain any and all licenses required by any other health organization or governmental organization having jurisdiction over this subject matter.
7. Vendors may sell food and non-alcoholic beverage items only.
8. The following safety regulations shall apply to any and all vehicles operating under this article or used for mobile food truck establishments:
 - (a) Vehicles shall be equipped with a reverse gear signal alarm with a sound distinguishable from the surrounding noise level.
 - (b) Vehicles shall be equipped with two rear-vision mirrors, one at each side, firmly attached to the outside of the vehicle, and so located as to reflect to the driver a view of the street to the rear, along both sides of the vehicle.
9. Customers shall be provided with single service articles such as plastic utensils and paper plates. Each vendor shall provide no less than one waste container for public use.

Each vendor shall provide for the sanitary collection of all refuse, litter and garbage generated by the patrons using that service and shall remove all such waste materials from the vendor site before the vehicle departs. This includes, but is not limited to, physically inspecting the general area surrounding the vendor site for such items prior to the vehicle's departure.

Absolutely no dumping of gray water on public or private property shall be permitted.
10. The issuance of a permit does not grant or entitle the vendor to the exclusive use of any property or parking space.
11. All power required for the mobile food truck shall be self-contained. Mobile food trucks shall not use utilities drawn from the public right-of-way. No power cable or equipment shall extend across any city street, multi-use path, or sidewalk.

(g) Fees.

Permit fees shall be as adopted by city council in the schedule of fees and kept on file in the city clerk's office.

(h) *Indemnity.*

As a part of the permitting process set forth herein, any person or entity receiving a permit shall execute an indemnity agreement indemnifying and releasing the City of Peachtree City, its agents, employees and elected officials from any and all liability against any and all claims, actions and suits of any type whatsoever.

(i) *Review of permit application.*

In determining whether or not to approve a specific vendor permit or the location of a vendor site, the Planning and Zoning Administrator may consider any factors reasonably deemed relevant for the application including, but not limited to, the following:

1. Information contained in the application, or supplemental information requested from the applicant, is false in any material detail;
2. The applicant failed to complete the application form after having been notified of the need for additional information or documents;
3. Another permit or application has been received prior in time or has already been approved at the same time and location requested by the applicant;
4. The size, nature or location of the vendor site will present a substantial risk to the health or safety of the public or participants in the event or other persons.
5. The location of the vendor site will substantially interfere with any construction or maintenance work scheduled to take place upon or along the city streets.

(j) *Revocation and suspension.*

Any permit granted pursuant to the provisions of this section may be subject to revocation for cause by the Planning and Zoning Administrator (or his/her designee), including but not limited to the failure to comply with this section or any other applicable provisions of the Peachtree City Code of Ordinances.

Section 2. All ordinances or parts thereof which conflict with the provisions of this ordinance are, to the extent of such conflict and except as hereinafter provided, hereby repealed.

Section 3. Should any provision of this ordinance be declared invalid by a Court of competent jurisdiction, such decision shall not affect the validity of this ordinance as a whole or any provision thereof other than the provisions specifically

declared to be invalid. The City Council declares that it would have passed this ordinance and each subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more subsections, sentences, clauses or phrases may be declared invalid.

Section 4. This ordinance shall be in full force and effect upon its official adoption by the City Council.

This _____ day of _____ 2012.

Don Haddix, Mayor

Attest:

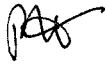
City Clerk

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council

VIA: City Manager 

FROM: Public Information Officer/City Clerk 

DATE: November 1, 2012

SUBJECT: Public Hearing – Reaffirm Multi-family Rezoning Moratorium
November 8, 2012, City Council Agenda

Recommendation:

Staff recommends that Council reaffirm by vote the multi-family rezoning moratorium.

Discussion:

In 1999, Council adopted an ordinance directing staff “to accept no applications seeking to zone or rezone property to any designation that would allow the development of the property as multi-family.” Property owners requesting this type of zoning must first request that Council lift the moratorium as it applies to their property, before submitting the rezoning request to staff. The moratorium expires each year, at which time Council must consider the moratorium to determine if it should be reaffirmed for an additional year.

A copy of the referenced ordinance, which expires in January 2013, is attached for your review.

Budget Impact:

The only budgetary impact associated with reaffirming the moratorium is the possible loss of impact fee revenue associated with the multi-family development in Peachtree City.

Attachment

BT/pd

Peachtree City, Georgia, Code of Ordinances >> PART II - CODE OF ORDINANCES >> APPENDIX A - ZONING >> ARTICLE XIV. - MULTI-FAMILY—REZONING MORATORIUM >>

ARTICLE XIV. - MULTI-FAMILY—REZONING MORATORIUM [67]

Sec. 1401. - Purpose.

Sec. 1402. - Findings.

Sec. 1403. - Moratorium.

Sec. 1404. - Appeals.

Sec. 1401. - Purpose.

In order to protect the health, safety, and welfare of its citizens, the city has determined that a moratorium on the zoning or rezoning of property for development of multifamily housing needs to be adopted and enforced for all property in the City of Peachtree City not currently zoned for use as multifamily.

This moratorium is intended to promote: the orderly development of property in the city; maintain the high quality of police services now provided; maintain the high quality of emergency and fire services now provided; maintain the quality of education now provided; maintain the high quality of life now existing; help reduce traffic congestion; and ameliorate air quality standards.

(Ord. No. 727, 11-4-1999)

Sec. 1402. - Findings.

The mayor and council have made the following findings of fact in consideration of this moratorium:

- (a) The development of additional multifamily housing would create a significant burden on the police department and emergency and fire departments for the city;
- (b) The development of additional multi-family housing would overburden area schools
- (c) The development of additional multi-family housing would exhaust available resources, thus reducing the quality of life now existing; and
- (d) The development of additional multi-family housing would increase traffic congestion, which also reduces air quality.

(Ord. No. 727, 11-4-1999)

Sec. 1403. - Moratorium.

The Mayor and Council of the City of Peachtree City hereby directs its staff to accept no applications seeking to zone or rezone property to any designation that would allow the development of the property as multi-family.

- (a) Multi-family shall include apartments, townhouses, duplexes, condominiums and assisted living facilities.
- (b)

This moratorium shall be in effect for a period of one year and shall automatically expire if not reviewed by the mayor and council and if deemed necessary, renewed.

- (c) This moratorium shall not apply to property already zoned for use as multifamily.

(Ord. No. 727, 11-4-1999)

Sec. 1404. - Appeals.

Any party with an ownership interest in property in the city that believes said property owner is severely prejudiced by this moratorium may file an application with the city planner requesting that the mayor and council remove the moratorium as it applies to the property.

- (a) The application shall be accepted by the city planner and placed on the council agenda after being properly advertised, and then, considered by the mayor and council.
- (b) City staff shall only provide council with current land use and zoning information regarding the subject property and its surrounding properties and shall not make a recommendation to council on the application to lift the moratorium.
- (c) In the event council lifts the moratorium, the property owner may then submit the request for rezoning following established procedures.
- (d) In the event council declines to lift the moratorium, the property owner shall have the same rights and follow the same procedures as those connected with the denial of a rezoning request.

(Ord. No. 727, 11-4-1999)

FOOTNOTE(S):

⁽⁶⁷⁾ **Editor's note**— Ord. No. 727, adopted Nov. 4, 1999, renumbered art. XIV, §§ 1401—1404 to art. XV, §§ 1501—1504 and added a new art. XIV, §§ 1401—1404 as herein set out. ([Back](#))

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members

VIA: City Manager 

FROM: Public Information Officer/City Clerk 

DATE: November 2, 2012

SUBJECT: Consider Alcohol Ordinance Amendment – Growler Sampling Permits
November 8, 2012, City Council Meeting

Discussion:

At the October 4 meeting, Mr. Glenn Gresham, owner of Gremlin Growlers, asked Council to consider amending the Alcohol Ordinance to allow sampling at establishments licensed for the package sales of beer, which includes growlers. The City's ordinance currently allows wine tasting events for establishments licensed for the package sale of wine. The City of Fayetteville recently passed similar legislation for beer and wine.

At the October meeting, Council directed staff to prepare an ordinance amendment to address the request. The ordinance is currently under final review by the City Attorney and will be provided to Council early next week, prior to the November 8 meeting. It establishes a separate Growler Sampling Permit and fee, similar to the existing Wine Tasting Permit. The ordinance also limits the size and number of samples that may be sold or offered to an individual, and restricts establishments licensed for the package sales of distilled spirits from obtaining a permit.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: City Council

VIA: City Manager 
Community Services Director

FROM: Planning and Zoning Administrator *David*

DATE: November 2, 2012

SUBJECT: Discuss proposed text amendment to LI Light Industrial to permit additional uses.

Recommendation:

That Council provide guidance as to whether or not they might support a text amendment to the LI Light Industrial zoning district to permit "Barber and/ or beauty shops" as a permitted use.

Background information:

As a part of the 2008 review of the uses permitted within each zoning district, a number of text amendments were recommended to both the Planning Commission and City Council for review and approval.

Within the industrial zoning districts, the larger and more intense uses were identified within the GI zoning district, while the less-intense and support uses were limited to the LI zoning district.

As a part of this exercise, the following verbiage was removed:

Retail business; provided such business is incidental to a permitted use or is intended to primarily serve the commercial needs of the uses permitted in the LI zoning district.

As written, this use would have permitted a beauty salon within the LI zoning district, as long as the building or tenant space was less than 6,000 SF in size.

Discuss proposed text amendment to LI Light Industrial

November 2, 2012

Page 2

Staff is working with the owner of an existing salon within the city who desires to purchase and renovate the former My Gym building on Clover Reach and then relocate his business to this location. The building was originally built for a children's gym and was later used as a day care facility. The building has been vacant for approximately two (2) years).

Because the existing zoning does not permit this type of use, the text must be amended to include the use or the property must be rezoned to accommodate the use.

The Applicant submitted a rezoning application which will be heard by the Planning Commission on November 12 and by City Council on December 6.

At those same meetings, there will also be an agenda item to consider a text amendment to add the use as a permitted use within the LI zoning district. Should the text amendment be approved, the Applicant will withdraw the rezoning application.

Staff is seeking guidance from Council as to whether they would rather see this request come before them in a text amendment or as a rezoning.

Budget impact:

There are no budget impacts associated with this request.

Attachments

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and City Council

VIA: City Manager 
Financial Services Director 
Purchasing Agent 

FROM: Acting Court Clerk 

DATE: October 26, 2012

SUBJECT: Awarding of Probation Service Agreement
November 8, 2012 City Council Meeting

Recommendation:

Staff recommends that the City award the probation service agreement to Professional Probation Services for calendar year 2013 with two (2) optional one-year renewals.

Discussion:

After reviewing all six proposals, Professional Probation Services meets all requirements plus new technology that will help streamline our court and probation process. The company has been in business since 1989 and shows significant cost saving measures in many areas. Also, this company will submit payment to the court prior to collection of their own fees. Additionally, awarding this contract to Professional Probation Services will constitute an improvement in our court system, as well as continue a very effective working relationship between the court office, Judge and City Solicitor.

Six proposals were received from GA Probation Management, Judicial Alternatives of GA, Judicial Correction Services, Professional Probation Services, Providence Community Corrections and Sentinel Offender Services. Proposals were evaluated on the following criteria and weight:

- | | |
|--|-----|
| • Prior Related Experience | 40% |
| • Cost/Fee Proposal | 20% |
| • Organization Description – Availability of Personnel | 20% |
| • Contract Management Plan/Services Outline | 20% |

Budget Impact:

There is no budget impact as this is a contractual agreement involving a private Probation Co.

Attachment: Proposal score summary

**EVALUATION SUMMARY
PROBATION SERVICES
COMBINED EVALUATION**

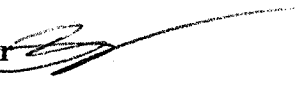
Company	Amount	Cost/Fee Proposal (20% weight)	Prior Related Experience (40% weight)	Organ. Desc. - Avail of Personnel (20% weight)	Contract Management Plan/Services Outline (20% Weighted)	Weighted Score
GA Probation Management		2.0	3.3	3.0	3.0	2.9
Judicial Alternatives of GA (JAG)		3.0	3.3	2.7	3.3	3.1
Judicial Correction Services		1.3	2.7	1.7	3.3	2.3
PPS - Professional Probation Services		5.0	5.0	5.0	5.0	5.0
Providence Community Corrections		2.3	5.0	5.0	4.7	4.4
Sentinel Ofender Services		2.7	2.3	2.7	3.0	2.6

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council

VIA: City Manager 
Financial Services Director P.S.
Purchasing Agent 

FROM: Public Services Director 

DATE: October 29, 2012

SUBJECT: Awarding of Mechanical Services Agreement
November 8, 2012 Council Meeting

Recommendation:

Staff recommends that the City award the mechanical service agreement to Shumate Mechanical for calendar year 2013 for \$124,890.00 with three (3) optional one-year renewals at \$131,890 for calendar year 2014, \$137,691 for 2015 and \$144,576 for 2016. In addition, staff recommends the option of awarding Shumate all City projects, on a brand-name basis, during the years Shumate holds the mechanical services agreement with the City.

Discussion:

Shumate Mechanical was originally awarded the HVAC maintenance contract by Council in 2009. Since awarding this contract, the City has received excellent services from Shumate to include preventative, routine, and on-call services. Shumate also fulfills the City requirement to be a Certified Trane installer, and remains one of only three vendors in the state to continue to hold this status. In addition Shumate has a good knowledge of the history of all city facilities and equipment.

Therefore it is staff's recommendation that we continue to use Shumate Mechanical based on the past experience and the fact that they were the most qualified vendor of the two proposals received based on the following evaluation criteria:

- | | |
|--|-----|
| • Price proposal | 40% |
| • References | 10% |
| • Understanding of Scope | 20% |
| • Years of services, qualified technicians,
ability to provide full service maintenance | 10% |

- Service availability and response time 20%

Staff collectively evaluated by Shumate and Trane for the above items. Although both companies are well qualified, based on evaluation, Shumate proved to show a slightly better understanding of the scope as well as a more economic offering for these services.

Also, as the City does encounter the need for services outside of routine and preventative maintenance, staff also took this opportunity to get competitive numbers for non-routine maintenance. These services include but are not limited to system replacement, system design, non-warranty parts etc. Shumate was also the clear choice in these areas as they provided detailed cost as well as an acceptable cost plus model for materials.

Budget Impact:

Should council award this contract to Schumate, funds are available in the FY 2013 budget for the first nine (9) months of the annual contract beginning January 1, 2013.

**EVALUATION SUMMARY
MECHANICAL SERVICES
COMBINED EVALUATION**

Company	Amount	Cost/Fee Proposal (20% weight)	Prior Related Experience (40% weight)	Organ. Desc. - Avail of Personnel (20% weight)	Contract Management Plan/Services Outline (20% Weighted)	Weighted Score
Shumate	\$124,890.00	5.0	5.0	5.0	5.0	5.00
Trane	\$267,627.98	2.3	5.0	5.0	3.0	4.07

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and City Council

VIA: City Manager 
Financial Services Director P.S.
Amphitheater Manager/CVB Executive Director

FROM: Director, Human Resources & Risk Management 

DATE: November 1, 2012

SUBJECT: Consider Elimination of part-time Box Office Supervisor and Sales and Marketing Coordinator Positions and Replacement with Sales & Marketing Assistant/Box Office Coordinator – Amphitheater/CVB November 8, 2012, City Council Meeting

Recommendation

Staff recommends eliminating the part-time Box Office Supervisor and Sales and Marketing Coordinator positions in the Amphitheater Department/CVB and replacing them with a Sales & Marketing Assistant/Box Office Coordinator position (Grade 76).

Discussion

During the past year, we have operated the Amphitheater Box Office with a seasonal part-time position, and there has been a full-time Sales & Marketing Coordinator position for the CVB. With the resignation of the Sales & Marketing Coordinator, the Amphitheater Manager/CVB Executive Director reviewed the efficiency of these two positions. From an efficiency perspective, we can combine the two positions into one full-time position – Sales & Marketing Assistant/Box Office Coordinator. The proximity of the Box Office to the Visitors Center makes it convenient to cross-over the job responsibilities, and the peak time for group sales is during the off-season of The Fred. In addition, the positions are related as The Fred is considered a tourism venue and can be marketed for group tours and outings. The cost of the combination position would be shared between the City Amphitheater Department and the CVB.

A new job description was written (See attached), and it was submitted to The Mercer Group for evaluation of the factoring as is outlined in our compensation policy. Upon receiving the final evaluation from The Mercer Group, it was recommended that the position be placed at a Grade 276.

Once the replacement position is approved, it will be posted according to the City's internal job bid process.

Budget Impact

During the FY13 budget process, the Sales and Marketing Assistant/Box Office Coordinator position was budgeted at \$33,660. With the final reclassification from The Mercer Group, however, the minimum annual salary of the position will be established at \$35,533. Therefore, the position was under-budgeted by \$1873; this additional amount will be reimbursed by the CVB.

THE CITY OF PEACHTREE CITY

JOB DESCRIPTION

Title: Sales & Marketing Assistant/Box Office Coordinator
Division: Amphitheater
Department: Amphitheater
Job Code:
Level: 276
Eligible for Overtime: Yes
Reports To: Amphitheater Manager/CVB Executive Director
Prepared By: Amphitheater Manager/CVB Executive Director
Prepared Date: October 26, 2012

I. POSITION SUMMARY

The Sales and Marketing Assistant role will provide marketing and sales support to the Executive Director of the Peachtree City CVB. This position will assist in marketing Peachtree City as a destination for meetings, conventions and conferences, as well as leisure travel with specific emphasis placed on association, fraternal, religious and sporting-related events. The primary areas of responsibility for this position are sales, prospecting for leads, follow-up on leads, booking conventions and corporate business and developing new approaches and strategies for attracting new and return meetings, motor coach and group business, through marketing and promotion of the area as a visitors' destination. Secondary duties include assisting with creative development of collateral materials, and coordination of site visits and familiarization tours. Also included are updates on websites and social media.

The Box Office Coordinator role oversees the day-to-day operation of the Amphitheater box office, ticket sales, and cash management functions in coordination with the ticket service, Amphitheater Business Manager and Amphitheater Manager.

II. ESSENTIAL FUNCTIONS

Box Office Responsibilities:

- Controls day-to-day operation of ticket office under the guidance of the Amphitheater Manager.
- Sells tickets to events as directed.
- Regularly assists in supervising box office information to ensure staff is well informed and properly trained in the processing of box office receipts when needed.
- Regularly oversees box office assistants in processing box office receipts when needed. Ensures box office is staffed to accommodate walk-up sales, will-call window, seating arrangements, collection, and patron inquiries.
- Routinely maintains files on each event consisting of production kills, seats on-hold for the building and promoter, complimentary tickets vouchers, event audits, and ticket inventory schedules.

- Routinely builds seating configurations for each event on the computer ticket system.
- Routinely communicates with outlets and computer Ticket Company to keep them properly informed about events and computer operations.
- Processes all incoming telephone calls to the facility offices; retrieves names for mailing lists, gives out general information regarding the schedule of events and ticket availability.
- Organizes and maintains office files, provides word processing support for Manager; and initiates written and oral communication as deemed necessary.
- Coordinates on-line ticket promotions with the designated ticket company.
- Maintains and updates e-mail marketing database and distributes Fred News report as directed by Manager.
- Maintains and updates Amphitheater website.
- Performs other duties as assigned by supervisor.

Sales & Marketing Assistant Responsibilities:

- Assists with visitor center operations related to front desk and visitor inquiries.
- Fulfills visitor requests for welcome bags.
- Produces sales leads and converts leads into bookings.
- Prospecting/cold calling.
- Initiates RFP's as needed.
- Prepares and presents bid presentations.
- Maintains membership in professional associations and attends monthly meetings.
- Attends CVB monthly Board Meetings and Hotel Meetings.
- Attends trade shows as required.
- Assists Executive Director in maintaining relations with hotels, Director of Sales, optional meeting sites and all services related to industries.
- Assists Executive Director in working with Sports Associations to coordinate tournaments.
- Provides input and assistance to Executive Director on copy writing, design, layout and production of promotional materials and target marketing.
- Contributes updates to social media sites daily.
- Contributes updates to Visitpeachtreecity.com.
- Maintains and updates database of group travel and tour operators, travel writers, meeting planners, media, etc.
- Writes press releases that draw positive attention to Peachtree City as a tourism destination.
- Maintains calendar for all visitor-friendly events within the county.
- Attends meetings as assigned.
- Assists with press packets.
- Performs other CVB related duties as assigned.

III. QUALIFICATIONS

The qualifications listed below represent the credentials necessary to perform the essential functions of this position. To be successful in this position, an individual must

be able to perform each essential duty satisfactorily. Reasonable accommodation may be made to enable individuals with disabilities to perform the essential functions.

A. Education and/or Experience

- Bachelor's Degree preferred in Marketing or Tourism-related field or an Associate's Degree in related field with two to four years relevant experience, or equivalent combination of education and experience.
- Customer Service experience preferred.
- Box Office, Theater Management, or Tourism experience preferred.
- Combination of education and experience will be evaluated.

B. Knowledge/Skills/Abilities

- Goal-oriented
- Excellent presentation skills
- Knowledge of local attractions, activities and contacts
- Computer skills: Microsoft Office, Photoshop Creative Suites, Microsoft Publisher or similar programs
- Experience with social media: Facebook, Twitter, YouTube and Constant Contact newsletter software
- Ability to work both independently or collaboratively, depending upon nature of project
- Ability to work under pressure dictated by event schedules and project timetables
- Flexible
- Well organized
- Enthusiastic, with positive attitude about community

C. Certificates/Licenses/Registrations

- Must possess a Class C Drivers License and have a satisfactory driver history (MVR).

IV. WORKING CONDITIONS

A. Physical Demands

- The work is mainly sedentary in off-season. During concerts and events, the position requires extensive walking, standing, stooping, carrying of light items, such as papers, books, or small parts, or driving an automobile. Lifting of moderately heavy items weighing less than 30 pounds may be required. The position may require specific, but common physical characteristics and abilities, such as mobility and dexterity.

B. Work Environment

- The incumbent works in an office environment, as well as outside. The work environment involves everyday risks or discomforts which require normal safety precautions.

C. Travel Requirements

- Local and regional travel may be required.

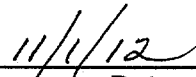
V. APPROVAL SIGNATURES

Amphitheater Manager

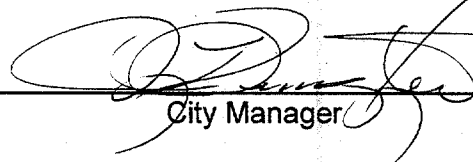
Date



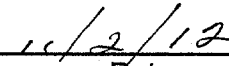
Director, Human Resources & Risk Management



Date



City Manager



Date

City Council of Peachtree City
REVISED AGENDA
November 8, 2012
7:00 p.m.

- I. **Call to Order**
- II. **Pledge of Allegiance**
- III. **Announcements, Awards, Special Recognition**
 - Proclamation – Be a Santa for a Senior
 - Proclamation – National Hospice and Palliative Care Month
 - Proclamation – Wilkes Grove Baptist Church 99th Anniversary
 - Recognize Jay Hughes for 15 Years of Service
 - Recognize Clint Murphy for 15 Years of Service
 - Recognize Chris Hyatt for Lifesaving Award
 - Recognized Advanced Citizens Police Academy Graduates
- IV. **Public Comment**
- V. **Agenda Changes**
- VI. **Minutes**
 - October 18, 2012, Regular Meeting Minutes
 - October 25, 2012, Special Called Meeting Minute
- VII. **Monthly Reports – Facilities Bond Financial Update**
- VIII. **Consent Agenda**
 - 1. Consider Alcohol License – NEW – Due South Southern Cuisine, 302 Clover Reach
 - 2. Consider Appointment of Municipal Court Judge – Stephen Ott
 - 3. Consider Appointment of Judge Pro Hac & Solicitor Pro Hac – James Dalton & Robert Stokely
 - 4. Consider Purchase of Portable Radios for Fire Department
 - 5. Consider Budget Adjustments
 - 6. Consider Sole Source Vendor for Installation of Lining on Existing Burn Building – High Temperatures Linings, Inc.
 - 7. Facilities Bond Financial Status
- IX. **Old Agenda Items**
 - 10-12-09 **Public Hearing – Consider Amendments to Article IX, Section 908, of the Ordinance to Establish Regulations for Mobile Food Trucks**
Ordinance would establish guidelines to permit mobile food trucks within the City limits
- X. **New Agenda Items**
 - 11-12-01 **Public Hearing – Multi-family Moratorium**
Request to extend moratorium on multi-family rezoning requests; Council approval required before an applicant can submit a rezoning request
 - 11-12-02 **Consider Amendment to Alcohol Ordinance – Growler Sampling Permits**
Proposed amendment under final review, will be forwarded next week
 - 11-12-03 **Consider Initiating Text Amendment to Permitted Uses within Zoning Ordinance**
Applicant desires to amend text to permit hair salons within LI Light Industrial zoning district
 - 11-12-04 **Consider RFP for Probation Services – Professional Probation Services**
Recommendation for probation services for Municipal Court
 - 11-12-05 **Consider Mechanical Systems Maintenance Agreement – Shumate Mechanical**
Recommendation for HVAC maintenance contract
 - 11-12-06 **Consider Reclassification of Position at Amphitheater**
Recommendation to eliminate part-time Box Office Supervisor and Sales & Marketing positions and replace with a Sales & Marketing Assistant/Box Officer Coordinator position
- XI. **Council/Staff Topics**
 - Hot Topics Update
- XII. **Executive Session to Discuss Settlement of Claim Against the City by Mayor**
- XIII. **Consider Proposed Settlement Agreement Regarding Claim Against City by Mayor**
- XIV. **Consider Payment of Outside Counsel to Represent City in Claim Against City by Mayor**

This agenda is subject to change at any time up to 24-hours prior to the scheduled meeting

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council Members

VIA: Dr. James Pennington, City Manager 
Paul Salvatore, Director of Financial Services  P.S.
Beverly Waldrip, Assistant Finance Director 
Angela Egan, Purchasing Agent 
Jon Rorie, Director of Community Services 
Ed Eiswerth, Fire Chief

FROM: Clint Murphy, Assistant Chief of Training and Special Operations

DATE: November 5, 2012

SUBJECT: Installation of Thermal Protective Lining on Existing Burn Building
November 8, 2012 Council Meeting

Recommendation:

The Fire Department recommends that High Temperature Linings Inc. complete the installation of advanced thermal linings system on the existing Burn Building ceilings at approximately \$60,000. High Temperature Linings Inc. is the sole source vendor for this lining and will deliver and install the appropriate thermal lining system recommended by National Fire Protection Association Standards 1402 and 1403.

Discussion:

The burn building is 10 years old and has hosted several hundred burns during this time period. The facility on an annual basis provides for 1800 hours of training for emergency response personnel. The ceiling and super structure supports are protected by thermal linings in the form of tiles. Installation of these thermal tiles has been a multi-year project due to their expense. The expansion of the tiled areas not only protects the structure from damage, it also prolongs the life span of the building. This continued effort to protect the building has been reinforced with the recent inspection (Sept. 2012) of the building where damage was found from heat transfer in non-thermal lined areas. The proposed project will line these areas and inhibit further damage. Due to other maintenance issues found during the recent inspection; the Department reassessed the need for the tile lining on the walls. In lieu installing more tiles for wall protection and spending the entire budgeted \$72,316; staff will gather bids to sandblast and paint all metal surfaces at a later date with the savings.

Budget Impact:

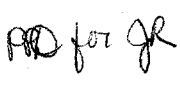
The installation of the thermal lining system is an approved project utilizing facility bond funding. Staff proposes that funding of approximately \$60,000 for this expense, be drawn from Facilities Authority Bond and funds distributed to the assigned project code CIP-065 Fire Training Facility.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council

VIA: City Manager 

FROM: Community Services Director  for JR

DATE: November 6, 2012

SUBJECT: Facilities Bond Monthly Update
November 8, 2012, City Council Meeting

The Facility Bond Financial status has seen very little change over the last month. Currently we are awaiting bids on the Recreation Admin Building and the Shakerag Sewer Project. We are also working through alternative plans for the Amphitheater Box Office, re-bidding the Amphitheater Sprinkler Project, moving forward on re-roofing several buildings, and nearing completion of the Public Works breakroom upgrades. We are making progress ever so slowly. Staff would like to delay any additional reporting in December and provide an updated quarterly report during the second council meeting in January.

CITY OF PEACHTREE CITY
FUND 380 (FACILITIES AUTHORITY)
AUGUST 30, 2012

FACILITIES BOND FINANCIAL STATUS	Budget Status			Funding Balance Status			Project Balance 10/22/2012
	Budget as of 9/30/2012	Proposed Budget Adjustments	Amended Budget 10/22/2012	Previous FY Expenditures	To Date FY13 Expenditures	Encumbered as of 10/22/2012	
Project	=H5+I5		=SUM(J5:K5)				=L5+N5+O5+P5
Fire Department							
Station 81 Driveway & Parking Lot	-	-	-	-	-	-	-
Fire Department Parking Resurfacing	25,055	-	25,055	(25,055)	-	-	-
Station 82 Exterior Sealing	23,000	-	23,000	(4,555)	-	(18,445)	-
Station 82 Roof Remodel	-	-	-	-	-	-	-
Station 81 Exterior Sealing	27,000	-	27,000	(5,467)	-	(21,533)	-
Public Works							
BSC Building Improvements	-	-	-	-	-	(5,678)	1,322
PW Breakroom & Restrooms	7,000	-	7,000	-	-	-	-
PW Fuel Pump Canopy	55,000	-	55,000	(920)	-	-	54,080
Bulk Oil Storage	20,000	-	20,000	-	-	-	20,000
Culture & Recreation							
Gathering Place Improvements	59,394	-	59,394	(59,394)	-	-	-
Recreation Admin. Building Upgrade	549,918	-	549,918	(54,169)	-	(28,309)	467,440
All Children's Playground	-	-	-	-	-	-	-
All City Pools Electrical Upgrade	-	-	-	-	-	-	-
BMX Tower/Pavilion Upgrade	3,741	-	3,741	(3,741)	-	-	-
BSC Parking Lots	-	-	-	-	-	-	-
BSC Irrigation Pump	62,013	-	62,013	(62,013)	-	-	-
Battery Way Boat Docks	-	-	-	-	-	-	-
Braefinn Field Upgrade	20,000	-	20,000	(13,341)	-	-	6,659
Cast House	10,114	-	10,114	(10,114)	-	-	-
City Tennis Court Upgrades	213,480	-	213,480	(178,820)	(14,800)	(14,020)	5,840
Tennis Center Improvements	239,662	-	239,662	(146,787)	-	(61,875)	31,000
Amphitheater Improvements	130,000	-	130,000	(35,736)	-	(5,283)	88,981
McIntosh Sanitary Sewer	210,000	-	210,000	(19,671)	-	(7,807)	182,522
Meade Field Electrical Upgrade	13,000	-	13,000	-	-	(12,777)	223
Riley Field Sewer Upgrade	39,000	-	39,000	-	-	-	39,000
Kedron Large Pool Resurfacing	40,000	-	40,000	-	-	-	40,000
Kedron Small Pool Resurfacing	20,000	-	20,000	-	-	-	20,000
Kedron Bubble Replacement	667,505	-	667,505	(667,505)	-	-	-
Library Exterior Sealing	115,000	-	115,000	(10,214)	-	(104,786)	-
Library Building Repairs	56,596	-	56,596	(56,596)	-	-	-
Library Roof Replacement	115,000	-	115,000	(2,830)	-	(21,128)	91,042
Fire Dept Training Fac Upgrade	72,000	-	72,000	-	-	-	72,000
Station 83 Sewer	51,000	-	51,000	-	-	-	51,000
PD HVAC Upgrades	102,000	-	102,000	-	-	-	102,000
Amphitheater Box Office	50,000	-	50,000	-	-	-	50,000
Glenlock Rec Center	15,000	-	15,000	-	-	-	15,000
PIP Contingency	827	-	827	\$	\$	\$	827
	\$ 3,012,305	\$ -	\$ 3,012,305	\$ (1,356,928)	\$ (14,800)	\$ (301,642)	\$ 1,338,935

GA Public Library Grant
Interest Earnings (through April)

Check
\$ 3,012,305

Proceeds of \$5,774,330 consisted of \$5,475,000 (bond par value) & \$299,330 (premium on bonds)
Costs associated with retiring debt consisted of the following:

Premium on Bond Redemption	\$18,532
2007 Brick & Mortar Principal (Note w/BB&T)	\$1,853,215
2006 Lease Principal (Energy Performance)	\$725,773
2007 B&M Interest	\$5,504
	<u>\$2,603,024</u>

Costs associated with issuance	\$159,001
Balance left for projects	<u>\$3,012,305</u>
	\$5,774,330

AN ORDINANCE TO AMEND CHAPTER SIX, ALCOHOLIC BEVERAGES, OF THE PEACHTREE CITY CODE OF ORDINANCES, AS AMENDED, TO PROVIDE FOR GROWLER SAMPLING PERMITS; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

NOW THEREFORE, BE IT AND IT IS HEREBY ORDAINED by the City Council of the City of Peachtree City, that:

Section 1. Chapter Six, Article I, Section 6-2 of the Alcoholic Beverage Ordinance, as amended, be further amended by adding a new subparagraphs as follows:

Sec. 6-2. - Definitions.

Growler means glass or plastic bottle or jug, not less than twelve (12) ounces or more than sixty-four (64) ounces, used to hold specialty malt beverages such as beer and hard cider, which are dispensed from a tap and sealed airtight before being sold to the customer for off-premise consumption.

Growler Retailer means a person or entity that holds a current retail package (malt beverage) license from the city for the sale of malt beverages pursuant to Sec. 6-36(a)(4) and a valid current alcohol license from the state and sells specialty malt beverages in growlers. A growler retailer does not include any retailer that sells distilled spirits or that holds a consumption license from the city.

Section 2. Chapter Six, Article II, Division 1, Section 6-36(a) of the Alcoholic Beverage Ordinance, as amended, be further amended by adding a new subparagraph (15) as follows:

Sec. 6-36. - License required to sell alcoholic beverages.

(a) Licenses for the sale of alcoholic beverages shall be issued by the city clerk at an annual license fee to be established by city council resolution for the following:

- (1) Retail consumption dealer (distilled spirits);
- (2) Retail package dealer (distilled spirits);
- (3) Retail consumption dealer (malt beverage);
- (4) Retail package dealer (malt beverage);
- (5) Retail consumption dealer (wine);
- (6) Retail package dealer (wine);
- (7) Wholesale dealer (distilled spirits);
- (8) Wholesale dealer (malt beverage);
- (9) Wholesale dealer (wine);
- (10) Retail consumption dealer—Additional license;
- (11) Qualifying location permit (distilled spirits, malt beverages and wine);
- (12) Special event permit; and

- (13) Retail consumption dealer (distilled spirits, malt beverage, wine) Frederick Brown, Jr., Amphitheater.
- (14) Wine Tasting Permit (supplemental to retail package dealer for wine or retail package dealer for wine and malt beverage)
- (15) Growler Sampling Permit (supplemental to retail package dealer for malt beverage or wine and malt beverage)

Section 3. Chapter Six, Article II, Division 1, of the Alcoholic Beverage Ordinance, as amended, be further amended by adding a new Section 6-55 as follows:

Sec. 6-55. Growler Sampling Permit

- (a) A growler sampling permit for purposes of this section shall be limited to a person possessing a current license from the city for the sale of malt beverages by the package and a valid current malt beverage license from the state.
- (b) No growler sampling shall be conducted on the premises of any place of business licensed to sell distilled spirits in the unbroken container. Any growler sampling occurring on the premises shall meet the requirements set forth in section (g) below.
- (c) Subject to the restrictions herein, an eligible growler retailer may petition the city for a growler sampling permit provided it meets all requirements of the city's alcohol beverage ordinance and presently maintains a valid license for the sale of malt beverages by the package issued by the city. A growler sampling permit shall allow the permittee to offer or sell malt beverage samples in connection with an instructional or educational promotion, upon the request of a customer, or as part of a promotion. A growler sampling permit is intended to allow such activity on a limited basis to allow customers to taste small samples of unfamiliar or new malt beverages sold in growlers by the permittee.
- (d) A growler sampling permittee shall be subject to all laws, rules and regulations of the city and state, including rule 560-2-5-.05 of the state department of revenue, alcohol and tobacco division, and shall be subject to permit revocation for violation thereof.
- (e) Said growler sampling permit need only be applied for once and shall automatically renew when said license to sell malt beverages by the package is renewed. Provided, however, that the city may revoke or suspend such growler sampling permit and/or impose such conditions on its operation at the city's discretion for violation of this Code or in furtherance of the health, safety and welfare of the city's inhabitants.
- (f) The one-time fee for application for the growler sampling permit shall be equal to the established fee for applications for a change in license.
- (g) Growler sampling permits shall be limited to growler retailers who obtain a permit from the city and who execute samplings pursuant to the following restrictions:
 - 1. Samples shall be provided on limited occasions when a customer requests and purchases a sample of a malt beverage offered for sale in a growler on the premises or in conjunction with a presentation designed to promote malt beverage appreciation or education, or a promotion sponsored by the permittee.

2. No customer shall receive via samples more than eight (8) ounces of specialty malt beverages from any licensee per day, and the licensee shall not serve any individual sample that exceeds two (2) ounces.
3. Samples are restricted to malt beverages dispensed from a tap and sold in growler form. No samples of bottled beer shall be provided.
4. Only the licensee or an agent thereof shall open, handle, and serve opened packages, growlers, or kegs, and individual samples shall only be poured by the licensee or an employee thereof.
5. Customers shall not remove opened packages or unsealed growlers from the premises.
6. The holder of a growler sampling permit may conduct educational classes and sampling classes for class participants. Such events shall be limited to no more than twice per week and shall not exceed two consecutive hours in length. All conditions of sampling set forth herein shall apply to such classes.
7. Growler sampling permittees are prohibited from selling distilled spirits, vehicular fuel. No growler sampling permit shall be granted to any retail consumption licensee.

Section 4. Chapter Six, Article III, Section 6-119 of the Alcoholic Beverage Ordinance, as amended, be further amended as follows:

Sec. 6-119. - Opening of package on premises.

No retail package dealer may allow or permit the opening of any package or the drinking of the contents on the premises where sold, except as authorized through a valid wine tasting permit or Growler Sampling Permit, and both the person violating this article, the licensee and the license representative allowing or permitting it to be done shall be guilty of an offense.

Section 5. All ordinances or parts thereof which conflict with the provisions of this ordinance are, to the extent of such conflict and except as hereinafter provided, hereby repealed.

Section 6. Should any provision of this ordinance be declared invalid by a Court of competent jurisdiction, such decision shall not affect the validity of this ordinance as a whole or any provision thereof other than the provisions specifically declared to be invalid. The City Council declares that it would have passed this ordinance and each subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more subsections, sentences, clauses or phrases may be declared invalid.

Section 7. This ordinance shall be in full force and effect upon its adoption.

This _____ day of _____ 2012.

Don Haddix, Mayor

Attest: _____
City Clerk